

BOIES, SCHILLER & FLEXNER LLP
 RICHARD J. POCKER (NV Bar No. 3568)
 300 South Fourth Street, Suite 800
 Las Vegas, NV 89101
 Telephone: (702) 382-7300
 Facsimile: (702) 382-2755
 rpocker@bsflp.com

BOIES, SCHILLER & FLEXNER LLP
 STEVEN C. HOLTZMAN (*pro hac vice*)
 FRED NORTON (*pro hac vice*)
 KIERAN P. RINGGENBERG (*pro hac vice*)
 1999 Harrison Street, Suite 900
 Oakland, CA 94612
 Telephone: (510) 874-1000
 Facsimile: (510) 874-1460
 sholtzman@bsflp.com
 fnorton@bsflp.com
 kringgenberg@bsflp.com

Attorneys for Plaintiffs Oracle USA, Inc.,
 Oracle America, Inc., and Oracle International
 Corp.

BINGHAM MCCUTCHEN LLP
 GEOFFREY M. HOWARD (*pro hac vice*)
 THOMAS S. HIXSON (*pro hac vice*)
 KRISTEN A. PALUMBO (*pro hac vice*)
 Three Embarcadero Center
 San Francisco, CA 94111-4067
 Telephone: 415.393.2000
 Facsimile: 415.393.2286
 geoff.howard@bingham.com
 thomas.hixson@bingham.com
 kristen.palumbo@bingham.com

DORIAN DALEY (*pro hac vice*)
 DEBORAH K. MILLER (*pro hac vice*)
 JAMES C. MAROULIS (*pro hac vice*)
 ORACLE CORPORATION
 500 Oracle Parkway
 M/S 5op7
 Redwood City, CA 94070
 Telephone: 650.506.4846
 Facsimile: 650.506.7114
 dorian.daley@oracle.com
 deborah.miller@oracle.com
 jim.maroulis@oracle.com

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado
 corporation; ORACLE AMERICA,
 INC., a Delaware corporation; and
 ORACLE INTERNATIONAL
 CORPORATRION, a California
 corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada
 corporation; SETH RAVIN, an
 individual

Defendants.

Case No. 2: 10-cv-0106-LRH-PAL

**PLAINTIFFS' OPPOSITION TO NON-PARTY
 CEDARCRESTONE, INC.'S EMERGENCY
 MOTION FOR ONE WEEK EXTENSION TO
 RESPOND TO PLAINTIFFS' MOTION TO
 MODIFY PROTECTIVE ORDER**

1 Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation
2 (collectively, “Oracle”) respectfully oppose CedarCrestone, Inc.’s (“CedarCrestone”) Emergency
3 Motion for One Week Extension To Respond To Plaintiffs’ Motion To Modify Protective Order
4 on the grounds that the requested extension is unnecessary and will result in prejudice to Oracle.

5 Oracle prefers to cooperate in granting mutual courtesies. However, for five reasons, it
6 must oppose CedarCrestone’s request for an additional extension of time to respond to the eight
7 page motion on a discrete, settled issue of law that Oracle filed on May 14, 2012.

8 First, CedarCrestone has already requested, and received, two extensions to respond
9 Oracle’s Motion to Modify Protective Order (“Motion”) and that should be enough.
10 CedarCrestone originally asked Oracle for a one week extension and Oracle agreed. The stated
11 bases at that time were that new counsel needed time to familiarize herself with the dispute, and
12 a key CedarCrestone employee was out of the country. Counsel represented that one additional
13 week would suffice to allow her to familiarize herself with the case sufficiently to prepare
14 CedarCrestone’s response. Oracle regarded this request with some skepticism because
15 CedarCrestone’s other law firm, that represented it throughout the discovery at issue in the
16 motion, remains active in the matter and CedarCrestone offered no reason why that counsel
17 could not handle the opposition. Nevertheless, Oracle agreed. On June 6, 2012, Oracle agreed to
18 a further three day extension, which would have made the deadline for CedarCrestone’s
19 opposition June 11, 2012, nearly a month after Oracle filed the Motion. Instead of accepting
20 Oracle’s extension, CedarCrestone prepared and filed this emergency motion.

21 Second, the motion just does not require this much time for a response. It is eight pages.
22 It addresses a settled issue of law that Courts “strongly favor[] access to discovery materials to
23 meet the needs of parties engaged in collateral litigation.” *Foltz v. State Farm Mut. Auto Ins.*
24 *Co.*, 331 F.3d 1122, 1131 (9th Cir. 2003). It seeks narrow relief on a limited subject matter, that
25 CedarCrestone’s admissions to infringing Oracle’s intellectual property – which it made subject
26 to the Protective Order in this case – should be available to Oracle in order to enforce its
27 intellectual property rights against CedarCrestone in collateral litigation. Had CedarCrestone
28 just drafted its opposition instead of the time it has spent seeking extensions and writing

1 preservation letters, it would have needed no extension at all.

2 Third, Counsel's stated unavailability does not provide adequate grounds for the court to
3 grant CedarCrestone's request. CedarCrestone states that the extension is necessary because
4 counsel will be travelling to London *on the day the response is due*. [Dkt. 321 at 2:27-28.] The
5 motion does not explain why counsel's travel plans prevent CedarCrestone from filing its
6 opposition on June 11, 2012, the new extension to which Oracle agreed. The motion does not
7 address when counsel first learned of her conflicting travel plans. Either counsel knew of these
8 travel plans at the time three weeks ago when the parties stipulated to the original extension, or
9 counsel made these travel plans knowing of the briefing schedule for this motion. If the former
10 then counsel should not have proposed and agreed to the one week extension in the first place. If
11 the latter, then the current "emergency" is one of her own making.

12 Fourth, there is no emergency. CedarCrestone has two law firms handling this matter. It
13 has adequate staffing to oppose an 8 page motion in the time agreed. Indeed, the other law firm
14 recently sent Oracle a preservation letter referencing this very motion proceeding. (See
15 Attachment A to this opposition). For the same reason, while Oracle is sympathetic to Mr.
16 Loosvelt's loss, given that the two combined firms total nearly 1,000 lawyers, and several other
17 lawyers on the matter have no stated conflict, someone should be able to draft the short
18 opposition upon which CedarCrestone has chosen to insist.

19 Fifth, further delay will prejudice Oracle. As this Court is aware, Oracle is currently in
20 active litigation, both in this litigation and in the matter of *Oracle USA, Inc., et al., v. SAP AG, et*
21 *al.*, Case No. 07-CV-1658 PJH (EDL), N.D. Cal (the "SAP Action"). In both cases, the manner
22 and legality of CedarCrestone's actions in supporting customers running Oracle software has
23 been raised. The facts underlying CedarCrestone's conduct, and Oracle's response to them, may
24 become an issue as soon as June 18, 2012, the currently scheduled trial date for the re-trial of the
25 SAP Action. Further delay may prejudice Oracle's position in that case.

26 Because CedarCrestone has failed to present a sufficient basis for requesting the
27 extension to the briefing schedule and because any further delay in resolving Oracle's Motion to
28 Modify will result in prejudice to Oracle, Oracle respectfully requests that the Court deny

1 CedarCrestone's request.

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4 DATED: June 7, 2012

BINGHAM McCUTCHEN LLP

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6 By: /s/ Geoffrey M. Howard

7 Geoffrey M. Howard
8 Attorneys for Plaintiffs
9 Oracle USA, Inc. and Oracle International Corp.
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CERTIFICATE OF SERVICE

I do hereby certify that on June 7th, 2012, I electronically transmitted the foregoing
PLAINTIFFS' OPPOSITION TO NON-PARTY CEDARCRESTONE, INC.'S
EMERGENCY MOTION FOR ONE WEEK EXTENSION TO RESPOND TO
PLAINTIFFS' MOTION TO MODIFY PROTECTIVE ORDER to the Clerk's Office
using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all
counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ Marjory A. Gentry
Marjory A. Gentry